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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,967	01/02/2001	Peter Rae Shintani	SNY-P4163	1767
24337	7590	08/03/2004	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			SHELEHEDA, JAMES R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2 (3)

## Office Action Summary

### Application No.

09/752,967

### Applicant(s)

SHINTANI ET AL.

### Examiner

James Sheleheda

### Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-11, 15-18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (6,529,233) in view of Yu et al. (Yu) (6,563,513).

As to claim 1, Allen discloses a method of displaying an image (Fig. 8), comprising:

at a television set-top box (102), receiving an image from a video camera (column 5, lines 24-27);

at the television set-top box, formatting the image (column 8, lines 6-11); and  
transmitting the image from the television set-top box (column 8, lines 17-21) to an address for the selected display (column 8, lines 23-31).

While Allen discloses the formatting of the images for transmission (column 10, lines 35-43) to a selected display (column 8, lines 23-31) which can include Internet devices with varying capabilities (column 11, lines 13-20 and column 10, lines 15-20), he fails to specifically disclose formatting the image for display on a selected display to produce a formatted image.

In an analogous art, Yu discloses an image distribution system (Fig. 1; column 2, lines 26-28) wherein the images are formatted (column 2, lines 28-33) based upon characteristics of a display (column 2, lines 28-33) stored in a database (column 2, lines 33-35) and then transmitted to the phone (column 2, lines 36-38) for the typical benefit of providing images which will correspond to a low resolution display in a cell phone or PDA (column 2, lines 28-33) as desired by Allen (see Allen at column 11, lines 13-20 and column 10, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allen's system to include the formatting the image for display on a selected display to produce a formatted image, as taught by Yu, for the typical benefit of providing formatted images which correspond to the requirements of a particular low resolution display, such as in a cell phone or PDA.

As to claim 15, Allen discloses a set top box (Fig. 2; 102), comprising:

an interface (RF receiver, 212) for receiving (column 6, lines 61-63) an image from a video camera (column 5, lines 63-67 and column 6, lines 1-10);

a programmed processor (controller, 310) operatively coupled to the interface (Fig. 6; column 7, lines 66-67 and column 8, lines 1-3) that formats the image (column 8, lines 6-11); and

transmitting means (converter, 214) for transmitting the formatted image from the television set-top box (column 7, lines 20-23) to an address (column 8, lines 26-31) for the selected display (column 8, lines 26-31 and column 11, lines 11-20).

Art Unit: 2614

While Allen discloses the formatting of the images for transmission (column 10, lines 35-43) to a selected display (column 8, lines 23-31) which can include Internet devices with varying capabilities (column 11, lines 13-20 and column 10, lines 15-20), he fails to specifically disclose formatting the image for display on a selected display to produce a formatted image.

In an analogous art, Yu discloses an image distribution system (Fig. 1; column 2, lines 26-28) wherein the images are formatted (column 2, lines 28-33) based upon characteristics of a display (column 2, lines 28-33) stored in a database (column 2, lines 33-35) and then transmitted to the phone (column 2, lines 36-38) for the typical benefit of providing images which will correspond to a low resolution display in a cell phone or PDA (column 2, lines 28-33) as desired by Allen (see Allen at column 11, lines 13-20 and column 10, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allen's system to include the formatting the image for display on a selected display to produce a formatted image, as taught by Yu, for the typical benefit of providing formatted images which correspond to the requirements of a particular low resolution display, such as in a cell phone or PDA.

As to claims 2 and 16, Allen and Yu disclose wherein the selected display comprises a portable wireless electronic Internet-enabled appliance (column 11, lines 13-20).

As to claims 3 and 17, Allen and Yu disclose wherein the portable wireless electronic Internet-enabled appliance comprises a wireless telephone (see Allen at column 11, lines 13-20).

As to claims 4 and 18, Allen and Yu disclose wherein the portable wireless electronic Internet-enabled appliance comprises a personal digital assistant (see Allen at column 11, lines 13-20).

As to claims 6 and 20, Allen and Yu disclose wherein the image comprises one of a still image (column 5, lines 24-27), a full motion image (column 5, lines 14-16) and a reduced frame rate image (column 5, lines 15-20).

As to claims 7 and 21, Allen and Yu disclose wherein the image comprises one of a color image (column 4, lines 66-67 and column 5, lines 1-4) and a black and white image (column 4, lines 66-67).

As to claims 8 and 22, Allen and Yu disclose wherein the image comprises one of a JPEG still image (column 5, lines 24-27), and an MPEG full motion image (column 5, lines 14-16).

As to claims 9 and 23, Allen and Yu disclose wherein the formatting comprises reformatting a JPEG image (see Allen at column 5, lines 24-27) for a reduced frame size (reduced image size through sub-sampling; see Yu at column 2, lines 45-48).

As to claims 10 and 24, Allen and Yu disclose wherein the formatting comprises reformatting a MPEG image (see Allen at column 5, lines 14-16) for a reduced frame size (reduced image size through sub-sampling; see Yu at column 2, lines 45-48).

As to claim 11, Allen and Yu disclose retrieving display parameters from a database (wherein characteristics are retrieved for a particular display; see Yu at Fig. 1; column 2, lines 28-35) indexed from the address (wherein the address is identified for a particular end user and display; see Allen at column 9, lines 39-44), and wherein the formatting is carried out in accordance with the display parameters (see Yu at column 2, lines 28-35).

As to claim 25, Allen and Yu disclose wherein the transmitting means comprises a modem (see Allen at column 7, lines 53-58).

As to claim 26, Allen and Yu disclose wherein the modem comprises a cable modem (see Allen at column 7, lines 53-58).



As to claim 27, while Allen and Yu disclose a programmed processor (controller, 310) and wherein the interface receives (column 6, lines 61-63) an image (column 5, lines 24-27) for transmission (column 8, lines 17-21), they fail to specifically disclose a real time clock coupled to the processor and receiving an image when the real time clock reaches a designated time.

The examiner takes Official Notice that it is old and well known in the art to use a real time clock with a camera and receive an image when the real time clock reaches a designated time, to provide the user with the ability to delay a photograph for a set amount of time. This provides the benefit of allowing users time to prepare the camera to take images of particular scenes or themselves.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allen and Yu's system to include the use of a real time clock coupled to the processor and receiving an image when the real time clock reaches a designated time for the typical benefit allowing users time to prepare the camera to take images of particular scenes or themselves.

As to claim 28, Allen and Yu disclose a database (14; see Yu at Fig. 1) associating display parameters (wherein characteristics are associated with a particular display; see Yu at Fig. 1; column 2, lines 28-35) with the address (wherein the particular end user is identified with an address; see Allen at column 9, lines 39-44), and wherein the formatting is carried out in accordance with the display parameters (see Yu at column 2, lines 28-35).

3. Claims 5, 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen, in view of Yu and Namias (US2002/0112005).

As to claims 5 and 19, while Allen and Yu disclose an address (see Allen at column 8, lines 22-31) for a portable wireless electronic Internet-enabled appliance (see Allen at column 11, lines 11-20), they fail to specifically disclose wherein the address comprises an email address.

In an analogous art, Namias discloses a video distribution device (Fig. 1) wherein user recorded video (paragraph 35, lines 1-10) is transmitted to recipients (paragraph 40, lines 1-5) based upon the recipients **email** addresses (paragraph 40, lines 1-5) for the typical benefits of inexpensive, easy to use email such as instantaneous communication and the ability to wait for the recipient like a letter (paragraph 4, lines 6-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allen and Yu's system to include wherein the **address** comprises an email address, as taught by Namias, for the numerous benefits provided by email such as an inexpensive, easy to use way to provide instantaneous communication and the ability to wait for the recipient like a letter.

As to claim 12, Allen discloses a method of displaying an image (Fig. 8), comprising:

at a television set-top box (102), receiving a color JPEG image from a video camera (column 5, lines 24-27);

at the television set-top box (102), formatting the image (column 8, lines 6-11);

wherein the selected display comprises a display of a portable wireless electronic Internet-enabled appliance (column 11, lines 13-20); and

transmitting the image from the television set-top box (column 8, lines 17-21) to an address for the selected display (column 8, lines 23-31), wherein the address is for a portable wireless electronic Internet-enabled appliance (column 11, lines 13-20).

While Allen discloses wherein the targeted address is retrieved from an directory indexed with addresses (column 9, lines 39-44) and the formatting of the JPEG images for transmission (column 10, lines 35-43) to a selected display (column 8, lines 23-31) which can include Internet devices with varying capabilities (column 11, lines 13-20 and column 10, lines 15-20), he fails to specifically disclose **retrieving** display parameters from a database, **formatting** the image for display on a selected display to produce a formatted image by reformatting the image for a reduced frame size to produce a formatted image in accordance with the display parameters and wherein the **address** comprises an email address.

In an analogous art, Yu discloses an image distribution system (Fig. 1; column 2, lines 26-28) wherein the images are formatted (column 2, lines 28-33) to produce a formatted image by reformatting the image for a reduced frame size (reduced image size through sub-sampling; column 2, lines 45-48) based upon characteristics of a particular phone display (column 2, lines 28-33) retrieved from a database (column 2,

lines 33-35) which are and then transmitted for display on the phone display (column 2, lines 36-38) for the typical benefit of providing images which will correspond to the particular low resolution display requirements in a cell phone or PDA (column 2, lines 28-33) as desired by Allen (see Allen at column 11, lines 13-20 and column 10, lines 15-20).

Additionally, in an analogous art, Namias discloses a video distribution device (Fig. 1) wherein user recorded video (paragraph 35, lines 1-10) is transmitted to recipients (paragraph 40, lines 1-5) based upon the recipients **email** addresses (paragraph 40, lines 1-5) for the typical benefits of inexpensive, easy to use email such as instantaneous communication and the ability to wait for the recipient like a letter (paragraph 4, lines 6-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allen's system to include the **retrieving** display parameters from a database and **formatting** the image for display on a selected display to produce a formatted image by reformatting the image for a reduced frame size to produce a formatted image in accordance with the display parameters, as taught by Yu, for the typical benefit of providing formatted images which will correspond to the particular characteristics of an individual low resolution display, such as in a cell phone or PDA.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allen and Yu's system to include wherein the **address** comprises an email address, as taught by Namias, for the numerous benefits

Art Unit: 2614

provided by email such as an inexpensive, easy to use way to provide instantaneous communication and the ability to wait for the recipient like a letter.

As to claim 13, Allen and Yu disclose wherein the portable wireless electronic Internet-enabled appliance comprises a wireless telephone (see Allen at column 11, lines 13-20).

As to claim 14, Allen and Yu disclose wherein the portable wireless electronic Internet-enabled appliance comprises a personal digital assistant (see Allen at column 11, lines 13-20).

### ***Conclusion***

4. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

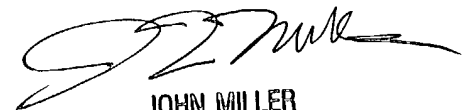
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
Art Unit 2614

JS



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